

Application No.: 09/807,254
Amendment dated January 20, 2004
Reply to Office Action of November 19, 2003

REMARKS

Claims 6-8, 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114, 117, and 122 are currently pending in this application. Claims 6, 24 and 122 have been amended herein.

In the Office Action dated November 19, 2003, the Examiner made final the rejection of Claims 5, 12, 14, 22 and 119 under 35 U.S.C. § 102(b) as anticipated by ES 2100821 (ES '821). Applicants take issue with this rejection as ES '821 is a skin tonic; moreover, a recent patent (U.S. Patent No. 6,506,707) demonstrates that the essential oils themselves are herbicidal. However, in the interest of furthering the prosecution of this application, Applicants have cancelled these claims, reserving the right to pursue same in a divisional or continuation application. Thus the rejection based upon ES '821 is moot.

The Examiner has also maintained the rejection of Claims 5, 14 and 22 under 35 U.S.C. § 103(a) as obvious over JP 01040056 (JP '056). As noted above, while Applicants take issue with this rejection as JP '056 teaches a deodorant and essential oils are herbicidal (see U.S. Patent No. 6,506,707), in the interest of furthering the prosecution of this application Applicants have cancelled these claims reserving the right to pursue same in a divisional or continuation application. Thus the rejection based upon JP '056 is moot.

The Examiner next rejected claims 5, 12, 22, and 119 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,153,229 to Chastain. Chastain teaches oxidizing limonene to produce a stable bactericidal and fungicidal composition. Nowhere do Applicants require such an oxidizing step to produce their compositions. However, as noted above, in the interest of furthering the prosecution of this application these claims have been cancelled, rendering this rejection moot.

The Examiner has next rejected claims 5, 20 and 22 under 35 U.S.C. § 103(a) as obvious over Rusitzka DE 941510. Rusitzka teaches wax-paraffin-solvent mixtures which are emulsified and then separated from the emulsion in the form of homogeneous flakes for treatment of leather and floors. Applicants' compositions remain in emulsion; Applicants do not remove their active materials from the emulsion. However, as noted above, in the interest of furthering the prosecution of this application these claims have been cancelled, rendering this rejection moot.

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Finally, the Examiner had noted at paragraph V (on page 4 of the November 19, 2003 Office Action) that objected to and allowable claims were maintained as on record in paper 14 (the prior Office Action of March 31, 2003).

The Examiner had objected to Claims 6-8 and 122 as being dependent on a rejected base claim. Claims 6 and 122 have been amended herein (claims 6 and 122 are now written in independent form incorporating the limitations of the claim from which they originally depended); it is respectfully submitted that Claims 6-8 and 122 are allowable.

Claims 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114 and 117 had all been noticed as being allowable in the prior Office Action. While the Office Action Summary accompanying the instant Office Action suggests some of these claims are, in fact, rejected, there was no specific mention of any of these claims in the body of the instant Office Action and, as noted above, Paragraph V of the instant Office Action states those claims allowable were maintained as on record in paper 14. Thus, it is respectfully submitted that all of the claims of the application as now presented, i.e., claims 6-8, 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114, 117, and 122, are patentably distinct over the art of record and are in condition for allowance.

In view of the foregoing amendment and remarks, early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,



Michael R. Brew
Reg. No.: 43,513
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
JS/MRB/jjp